

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COXCOM, INC.,

Plaintiff,

v.

REMBRANDT TECHNOLOGIES, L.P.,

Defendant.

C.A. No. 06-721-GMS

**MOTION OF PLAINTIFF COXCOM, INC. TO ENJOIN DEFENDANT FROM
PROCEEDING WITH THE TEXAS ACTION**

Plaintiff CoxCom, Inc. (“CoxCom”) hereby moves to enjoin Defendant Rembrandt Technologies, L.P. (“Rembrandt”) from proceeding with its complaint filed against CoxCom in the Eastern District of Texas and captioned as *Rembrandt Technologies, LP v. Charter Communications, Inc., Charter Communications Operating, LLC and CoxCom, Inc.*, No. 2:06CV507-TJW (the “Texas action”). The Texas action was filed *after* this action, involves the same parties, same accused products and same subject matter as this first-filed action and involves only compulsory counterclaims that should be filed here.

For the reasons set forth in more detail in CoxCom's Opening Brief filed contemporaneously herewith, CoxCom respectfully requests that the Court enjoin Rembrandt from proceeding with the Texas action. A proposed order is attached.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
Leslie A. Polizoti (#4299)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
rsmith@mnat.com

Attorneys for Plaintiff CoxCom, Inc.

OF COUNSEL:

Mitchell G. Stockwell
R. Scott Griffin
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, GA 30309
(404) 815-6500

Tonya R. Deem
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
(336) 607-7485

February 16, 2007

743323

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COXCOM, INC.,

Plaintiff,

v.

REMBRANDT TECHNOLOGIES, L.P.,

Defendant.

C.A. No. 06-721-GMS

**ORDER GRANTING MOTION OF PLAINTIFF COXCOM, INC. TO ENJOIN
DEFENDANT FROM PROCEEDING WITH THE TEXAS ACTION**

At Wilmington, this ____ day of _____ 2007, having considered the parties' briefing and argument in connection with Plaintiff's Motion to Enjoin Defendant from Proceeding with the Texas Action; IT IS HEREBY ORDERED that Plaintiff CoxCom, Inc.'s Motion to Enjoin Defendant from Proceeding with the Texas Action is GRANTED.

UNITED STATES DISTRICT JUDGE

RULE 7.1.1 CERTIFICATE

I hereby certify that counsel for plaintiff has raised the subject of the foregoing motion with counsel for defendant, and the parties have not been able to reach agreement on the issues raised in the motion.

/s/ Rodger D. Smith II (#3778)

Rodger D. Smith II

February 16, 2007

CERTIFICATE OF SERVICE

I, Rodger D. Smith II, hereby certify that on February 16, 2007, I caused to be electronically filed the MOTION OF PLAINTIFF COXCOM, INC. TO ENJOIN DEFENDANT FROM PROCEEDING WITH THE TEXAS ACTION with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Kevin M. Baird
James M. Lennon
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

and that on February 16, 2007, I caused copies to be served upon the following in the manner indicated:

BY EMAIL AND HAND

Kevin M. Baird
James M. Lennon
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
222 Delaware Avenue, Suite 1500
Wilmington, DE 19801

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
(302) 658-9200
rsmith@mnat.com